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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA  
13 SACRAMENTO DIVISION

14 JOHN MCCLINTOCK,

2:22-cv-1884 KJM CSK P

15 Plaintiff,

**[PROPOSED] ORDER AND REVISED  
SCHEDULING ORDER**

16 v.

17 G. VALENCIA, et al.,

18 Defendants.

20 Plaintiff is a state prisoner proceeding pro se. On April 17, 2025, defendants filed a motion  
21 to modify the discovery and scheduling order. (ECF No. 46.) As discussed below, defendants'  
22 motion is granted.

24 Governing Standards

25 "The district court is given broad discretion in supervising the pretrial phase of litigation."  
26 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal  
27 quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good  
28 cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified

1 'if it cannot reasonably be met despite the diligence of the party seeking the extension.''"  
2 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting  
3 Johnson, 975 F.2d at 607).

4 Discussion

5 The parties have met and conferred concerning plaintiff's responses to defendants'  
6 interrogatories and request for production of documents, and defendants anticipate filing a motion  
7 to compel discovery responses. In addition, plaintiff's motion to compel discovery is pending.  
8 Defendants seek to extend discovery solely as to these pending discovery disputes inasmuch as  
9 the written discovery deadline expired on March 3, 2025, and defendants need the additional  
10 discovery before taking plaintiff's deposition. The Court finds that the parties have been diligent  
11 in seeking discovery, and defendants have shown good cause to modify the scheduling order.

12 **ORDER**

13 Good cause appearing, IT IS HEREBY ORDERED that:

14 1. Defendants' motion (ECF No. 46) is granted.  
15 2. The deadlines to file a motion to compel and to depose plaintiff are extended to July 1,  
16 2025. The deadline to file dispositive motions is extended to August 29, 2025.  
17 3. In all other respects, discovery is closed, and the scheduling and discovery order (ECF  
18 No. 41) remains in effect unless otherwise modified by the Court.

19 Dated: 04/18/25

20   
21 CHI SOO KIM  
22 UNITED STATES MAGISTRATE JUDGE

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